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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,806	10/20/1999	MARCUS WAGNER	1434P/BC9990	4629

7590

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JOSEPH A SAWYER JR
P O BOX 51418
PALO ALTO, CA 94303

EXAMINER

LEE, CHI HO A

ART UNIT	PAPER NUMBER
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2663

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DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/421,806

Applicant(s)

WAGNER, MARCUS

Examiner

Andrew Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-21 and 24-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8,9,15,16,26,27,33 and 34 is/are allowed.
- 6) ☒ Claim(s) 1-3,6,7,10,14,17-25,28,29,32 and 35-43 is/are rejected. ?
- 7) ☒ Claim(s) 12,13,30 and 31 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6, 7, 10, 14, 17-25, 28, 29, 32, 35, 36, 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egawa et al U.S. Patent Number 5,745,694 in view of Yoshida et al U.S. Patent Number 6,401,121.

Re Claims 1, 19, 39-42, Egawa teaches in fig. 3a, step 300 pertains to a reservation system for receiving a reservation request from a video terminal user consisting of a requested bandwidth, start and end time period (See col. 5, lines 3-12); wherein Admission Controller 103 in step 301 checks the start timing of the requested circuit with the current time wherein the reservation request can include the current time for the time span (a current time plus a maximum duration...) for file transmission task; step 303 determines whether the requested bandwidth is available by checking resource databases 104 that includes determining available bandwidth based on plurality of reservation request (determining an available bandwidth); if available step 306 notify user of grant of request and allocates a portion of the available bandwidth for completion of a file transmission within the allocated bandwidth span (See col. 5, lines 60 +), fig. 2a further teaches the Reservation RQST Database 103 teaches plurality of requests (at least one file...different amount of bandwidth).

As Egawa teaches the video terminal to request of bandwidth, Egawa fails to the plurality to Video terminals are request bandwidth for LVS jobs. One skilled in the art would have to motivated transmit LVS jobs to enable VOD applications at the video terminals. To enable live video streams, Egawa can be modified Yoshida et al to include a client management table as disclosed in figure 4 to associate a file size is with a require bandwidth to maintain quality live video transmission (See col. 4, lines 38 +). Therefore, it would have been obvious to one ordinary skilled to modify Egawa in light of Yoshida et al to transmit LVS.

Re Claims 2, 7, 20, 25, 37, 38 refer to Claims 1 and 10, fig. 1 teaches the Reservation system 100 (a bandwidth allocation scheduler) comprising plurality of databases, i.e., resources and requests tables. See fig. 2B of the database 104 that indicates Maximum Usable Bandwidth (initialing a GSF) of links (obtaining plurality configuration parameters); fig. 2a 103 indicates the time span for the user request associated with the requested bandwidth and fig. 2c indicating the total bandwidth usage; fig. 6b teaches step 610 for subtracting bandwidth of the TOD slot (a maximum transmission duration) from link capacity (See col. 8, lines 1-12).

Re Claims 3, 21, refer to Claim 2, wherein database 103 records the requested time span and the bandwidths and logging current usage in Control data memory 106 of fig. 2c.

Re Claims 10, 11, 28, 29 refer to Claim 1, Egawa and Yoshida teaches plurality of tables (a plurality of database tables) for recording available and allocated bandwidths; in particular the client management table fig. 4 of Yoshida teaches a size of

the file 33 and the required bandwidth 34 (gathering data for the at least one file transmission task; determining an allocation strategy; computing an overhead); fig. 3 of Yoshida teaches the table within the video server's reservation system that includes Maximum Bandwidth 24 (setting an upper bound on an amount of bandwidth).

Re Claims 22, 32 refer to Claim 1, fig. 3D checks the completion of the time interval and updates data in database 103.

Re Claims 5, 23, refer to Claim 1, the admission controller sequentially reads the databases 103 and 104 for allocating bandwidth for the scheduled requests.

Re Claims 6, 14, 24, refer to Claim 1, wherein bandwidth availability is updated upon completion and allocation of the bandwidth.

Re Claims 17, 18, 35, 36 refer to Claim 1, wherein database 103 is time dependent (back to back duration)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Egawa et al U.S. Patent Number 5,745,694 in view of Yoshida et al U.S. Patent Number 6,401,121 and further in view of Mcfadden et al U.S. Patent Number 6,614,804 .

Re Claim 43, refer to Claim 1, Egawa in view Yoshida fails to explicitly teach the transmission of file is via a satellite transponder. However, Mcfadden et al teaches in

fig. 1, a satellite transponder 14 coupled to a content server for allocating bandwidth for transmission of PPP video contents to the clients. One skilled in art would have been motivated by Mcfadden to transmit a file via satellite transponder to enable video reception to clients in areas where terrestrial cannot reach. Therefore, it would have been obvious to one ordinary skilled teaching of Mcfadden et al into the teaching of Egawa.

Allowable Subject Matter

5. Claims 12, 13, 30, 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1-3, 6, 7, 10, 14, 17-25, 28, 29, 32, 35, 36, 37-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 703-305-1500. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AI
5/28/04

ANDY LEE
PATENT EXAMINER

